

1 RONALD D. DIGESTI, ESQ. (SBN 129051)
ANNA C. GEHRIGER, ESQ. (SBN 248484)
2 **CALLAHAN, McCUNE & WILLIS, APLC**
500 Sansome Street, Suite 410
3 San Francisco, CA 94111
Tel: (415) 593-5700
4 Fax: (415) 593-6984
E-Mail: ronald_digesti@cmwlaw.net

5 Attorneys for Defendant,
6 **U.S. TRADES, LLC**

7 WESLEY T. BALL, ESQ. (TSBN 24038754)
MICHAEL A. HAWASH, ESQ. (TSBN 00792061)
8 **FARRAR & BALL, LLP**
1010 Lamar, Suite 1600
9 Houston, TX 77002
Tel: (713) 221-8300
10 Fax: (713) 221-8301
E-Mail: michael@fbtrial.com

12 Attorneys for Plaintiffs
13 **REYNALDO SALINAS, ISABEL SALINAS, AND**
14 **JESSICA SALINAS, INDIVIDUALLY AND AS**
REPRESENTATIVE OF THE ESTATE OF JOSE MARTIN SALINAS

15 **UNITED STATES DISTRICT COURT**

16 **IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

17 **SAN FRANCISCO DIVISION**

18 REYNALDO SALINAS, ISABEL SALINAS,
AND JESSICA SALINAS, INDIVIDUALLY
19 AND AS REPRESENTATIVE OF THE
ESTATE OF JOSE MARTIN SALINAS,

20 Plaintiffs,

21 vs.

22 AMTECK OF TEXAS, AMTECK OF
23 KENTUCKY, INC. d.b.a. KENTUCKY
AMTECK, INC., U.S. TRADES, LLC,
24 HASKELL COMPANY d.b.a. THE
HASKELL COMPANY OF FLORIDA,
25 SNORKEL INTERNATIONAL, INC.

26 Defendants.

Case No.: 3:08-cv-01463 PJH
JUDGE: Hon. Phyllis J. Hamilton
DEPARTMENT: 3
COMPLAINT DATE: 3/17/08

**STIPULATION AND ORDER RE
DISMISSAL WITH PREJUDICE AS TO
DEFENDANT U.S. TRADES, LLC**

DISCOVERY CUT OFF: 4/08/09
MOTION CUT OFF: 5/27/09
PRE-TRIAL CNF. DATE: 10/22/09
TRIAL DATE: 11/02/09

27 TO ALL PARTIES AND THEIR COUNSEL OF RECORD HEREIN:

28 IT IS HEREBY STIPULATED by and between the undersigned parties by and through

1 their counsel of record that plaintiffs' voluntary dismissal of defendant U.S. TRADES, LLC, from
2 the instant action be and hereby is with prejudice pursuant to Federal Rule of Civil Procedure
3 41(a)(1)(B).

4 IT IS SO STIPULATED.

5 DATED: August 28, 2008

FARRAR & BALL, LLP

6 By 

7 WESLEY T. BALL, ESQ. (TSBN 24038754)
8 MICHAEL A. HAWASH, ESQ. (TSBN 00792061)
9 Attorneys for Plaintiffs
10 REYNALDO SALINAS, ISABEL SALINAS,
11 AND JESSICA SALINAS, INDIVIDUALLY
12 AND AS REPRESENTATIVE OF THE
13 ESTATE OF JOSE MARTIN SALINAS

14 DATED: August 27, 2008

CALLAHAN, McCUNE & WILLIS, APLC

15 By 

16 RONALD D. DIGESTI, ESQ.
17 ANNA C. GEHRIGER, ESQ.
18 Attorneys for Defendant
19 U.S. TRADES, LLC

20 IT IS HEREBY ORDERED THAT plaintiffs' voluntary dismissal of defendant U.S.
21 TRADES, LLC, from the instant action be and hereby is with prejudice pursuant to Federal Rule
22 of Civil Procedure 41(a)(1)(B).

23 IT IS SO ORDERED.

24 DATED: August 29, 2008

25 G:\ActiveCases\HARV080013\Salinas\PROCIP-StipReDismissal.doc
26
27
28



PROOF OF SERVICE

STATE OF CALIFORNIA)

COUNTY OF SAN FRANCISCO)

I am employed in the County of San Francisco, State of California, I am over the age of 18 years and not a party to the within action; my business address is 500 Sansome Street, Suite 410, San Francisco, California.

On this date, I served the foregoing document described as:

**STIPULATION AND ORDER RE DISMISSAL WITH PREJUDICE AS TO
DEFENDANT U.S. TRADES, LLC**

Said document was served on the interested party or parties in this action by placing a true copy thereof, enclosed in a sealed envelope, and addressed as noted below.

SEE ATTACHED SERVICE LIST

I am familiar with our firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at San Francisco, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one working day after the date of deposit for mailing in this declaration.

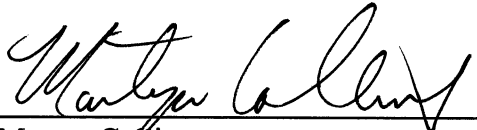
 X **(BY MAIL)** I deposited such envelope in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

 X **(EMAIL/PACER/ECF)** I caused all of the pages of the above-entitled document(s) to be sent to the recipient(s) noted above via ECF/PACER and email pursuant to General Order 45 (*as to registered users only*).

 X **(FEDERAL)** I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on August 28, 2008, at San Francisco, California.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I further declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.


Martyn Collins

SERVICE LIST

Case Name: *Reynaldo Salinas v. Amteck of Texas, et al.*
Court: USDC, Northern District of California, San Francisco Division
Case Number: 3:08-cv-01463 PJH

Wesley T. Ball, Esq. (TSBN 24038754) Attorneys for Plaintiffs
Michael A. Hawash, Esq. (TSBN 00792061)
FARRAR & BALL, LLP
1010 Lamar, Suite 1600
Houston, TX 77002
Tel: (713) 221-8300
Fax: (713) 221-8301
E-Mail: michael@fbtrial.com

Timothy D. McMahon, Esq. (SBN 117024)
CORSIGLIA, McMAHON & ALLARD
96 N. 3rd St., #620
San Jose, CA 95112
Tel: (408) 289-1417
Fax: (408) 289-8127
E-Mail: tmcmahon@cmalaw.net

John P. Cotter, Esq. Attorneys for Defendants
Anthony C. Diepenbrock, Esq. AMTECK & HASKELL
DIEPENBROCK & COTTER LLP
1545 River Park Drive, Suite 201
Sacramento, CA 95815
Tel: (916) 565-6222
Telecopier: (916) 565-6220
Fax:
E-Mail: jpc@diepenbrockcotter.com,
arr@diepenbrockcotter.com,
maryp@diepenbrockcotter.com,
td@diepenbrockcotter.com,
geraldine@diepenbrockcotter.com

Frank E. Schimaneck, Esq. (SBN73912) Attorneys for Defendant
Susan E. Foe, Esq. (SBN 148730) SNORKEL INTERNATIONAL, INC.
DRYDEN, MARGOLES, SCHIMANECK &
WERTZ
505 Sansome Street, 6th Floor
San Francisco, California 94111
Tel: (415) 362-6715
Fax: (415) 362-0638
Email: sefoe@drydenlaw.com
feschimaneck@drydenlaw.com

Bryan Haynes, Esq. (TSBN 09283520) Co-Counsel for Defendant
C. Don Clayton, Esq. (TSBN 24027932) U.S. TRADES, LLC

1 Jason R. Marlin, Esq. (TSBN 2405098)
2 LOCKE LORD BISSELL & LIDDELL, LLP
3 2200 Ross Avenue., Suite 2200
4 Dallas, TX 75201
5 Tel: (214) 740-8000
6 Fax: (214) 740-8800
7 E-Mail: bhaynes@lockelord.com
8 dclayton@lockelord.com
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28